

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

In re:  SHANNON S. HADDON,  Debtor.	Chapter 13 Case No. 19-13094-MSH
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**OBJECTION OF U.S. BANK TRUST TO  
CONFIRMATION OF CHAPTER 13 PLAN**

NOW COMES U.S. Bank Trust National Association, as trustee of the Lodge Series IV Trust as serviced by Sn Servicing Corp., ("**U.S. Bank Trust**") and objects to confirmation of the Amended Chapter 13 plan of Shannon S. Haddon (the "**Debtor**"). In support of its objection to confirmation, U.S. Bank Trust states as follows.

**STATEMENT OF MATERIAL FACTS**

1. On December 18, 2007, the Debtor executed a promissory note in favor of Nantucket Bank for a loan in the amount of \$900,000.00 (the "**Note**").
2. On December 18, 2007, as security for her obligations under the Note, the Debtor granted a mortgage (the "**Mortgage**") on certain real property known as and numbered 17 Evergreen Way, Nantucket, Massachusetts (the "**Property**").
3. The Note and the Mortgage for the Property have been assigned to U.S. Bank Trust.

**Bankruptcy Petition**

4. On September 12, 2019 the Debtor filed a voluntary Chapter 13 petition with this Court, commencing the above-captioned case. Doc. No. 1.

5. On January 31, 2020, the Debtor filed a Second Amended Chapter 13 plan (the “**Plan**”). Doc. No. 77.

6. Pursuant to the Plan, the Debtor proposes to sell a portion of the Property and pay the prepetition arrears from proceeds of the sale. Id.

#### **GROUND FOR OBJECTION TO PLAN**

7. U.S. Bank Trust respectfully asks this Court to refuse to confirm the Plan for the following reason.

##### **Failure to Provide for Pre-Petition Arrears**

8. U.S. Bank Trust objects to the proposed treatment as the Plan does not provide for ongoing contractual maintenance payments and fails to provide an alternative treatment if the Property does not sell.

9. The previous proposed plan did provide for maintenance payments, however the second amended plan fails to do so.

WHEREFORE, in light of the foregoing, U.S. Bank Trust respectfully requests that this Court enter an order:

- (a) Denying confirmation of the Debtor’s amended Chapter 13 plan; and
- (b) Granting U.S. Bank Trust such other and further relief as is just and proper.

*Signature Page to Follow*

Respectfully submitted,

U.S. Bank Trust National Association, as  
trustee of the Lodge Series IV Trust as  
serviced by Sn Servicing Corp.,

By its attorney,

/s/ Michael E. Swain, Esq.

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DATE: February 13, 2020

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**CERTIFICATE OF SERVICE**

I, Michael E. Swain, Esq. of the law firm of Demerle Hoeger LLP, hereby certify that I have this 13th day of February 2020 served on behalf of U.S. Bank Trust National Association, as trustee of the Lodge Series IV Trust as serviced by Sn Servicing Corp.,, an Objection to Confirmation of Amended Chapter 13 Plan and this Certificate of Service by causing copies hereof to be sent by electronic mail via the Case Management / Electronic Case Files (ECF) system and by private electronic mail to all parties not appearing electronically but entitled to service per the Federal Rules of Bankruptcy Procedure.

Shannon S. Haddon 17 Evergreen Way Nantucket, MA 02554 (M)	Gary W. Cruickshank Law Office of Gary W. Cruickshank 21 Custom House Street Suite 920 Boston, MA 02110 (ECF)
John Fitzgerald Office of the US Trustee J.W. McCormack Post Office & Courthouse 5 Post Office Sq., 10th Fl, Suite 1000 Boston, MA 02109 (ECF)	Carolyn Bankowski-13-12 Chapter 13-12 Trustee Boston P. O. Box 8250 Boston, MA 02114 (ECF)

/s/ Michael E. Swain, Esq.  
Michael E. Swain, Esq.